

ORDINANCE NO.	3845-21	
ONDINABLE NO.		

An ORDINANCE AMENDING Everett Municipal Code Chapter 19.06 related to Lots, Setbacks, and Residential Densities, AMENDING Ordinance No. 3774-20, as amended

WHEREAS,

- A. The Rethink Zoning project was completed, and the City Council adopted new development regulations as a Unified Development Code, by Ordinance No. 3774-20 on November 4, 2020; and
- B. The new Unified Development Code consolidated zones and reorganized provisions in an effort to simplify and streamline the city's development regulations; and
- C. After applying the code to projects over the past several months, refinements have been identified to clarify or correct an unintended outcome of new or modified code provisions; and
- D. The amendments to development regulations (unified development code) contained in this ordinance were prepared following the procedural requirements in EMC 15.02.095 and EMC 15.03.300; and
- E. The first group of amendments cover minor amendments in EMC 19.06 related to lots and setbacks; and
- F. The Planning Commission held briefings on amendments to the Rethink Zoning Code Refinements Code Amendment Project A on October 19, 2021 and held a public hearing on the matter on November 2, 2021; and
- G. The Planning Commission, after hearing from the public and deliberating, voted to approve Resolution 21-07 on November 2, 2021, recommending the city council approve the amendments contained in this ordinance, after the Planning Commission's consideration; and
- H. The proposal has been properly noticed and evaluated consistent with state law and city code; and
- I. City staff reviewed the proposal under provisions of the State Environmental Policy Act, completed an environmental checklist, and issued a Determination of Non-Significance on October 18, 2021;
- J. Notice of the proposed amendments was sent to the Washington State Department of Commerce on October 14, 2021; and
- K. The public health, safety and welfare will be provided for by these unified development code amendments; and

L. The proposed amendments promote the best long-term interest of the Everett community; and

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN THE FOLLOWING ACTIONS:

<u>Section 1.</u> Section 5 of Ordinance 3774-20 (codified as EMC 19.06.010, Table 6-1) is amended as follows, with underlined text added:

19.06.010 Minimum lot area, width, depth, frontage.

Minimum requirements for lot area, width, depth, frontage and maximum lot coverage by building standards are shown in Table 6-1 below. Note there may be additional requirements for individual zones based on specific land use types. Exceptions to these standards may be granted for lots created through a binding site plan or unit lot land division as allowed in EMC 19.06.080.

Table 6-1: Minimum Lot Area, Width, Depth, Frontage, Lot Coverage by Building

ZONE	R-S	R-1	R-2	R- 2(A)	UR3	UR4	NB	В	MU	LI1	LI2	НІ	AG	
STANDARD	STANDARDS ⁽¹⁾ :													
Min. Lot Area	9,000 sf ⁽²⁾	6,000 sf ⁽²⁾	5,000 sf ⁽²⁾⁽³⁾	5,000 sf ⁽²⁾	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	2.5 acres	1 acre	5 acres	
Lot Width, Min.	60'	50'	50'	50'	50'	50'	50'	50'	50'	50'	150'	100'	N/A	
Lot Depth, Min.	80'	80'	80'	80'	80'	80'	80'	80'	80'	80'	150'	100'	N/A	
Lot Frontage Min.	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	
Maximu m Lot Coverage by Building	35%	35%	40%	40%	N/A	N/A	N/A	N/A	N/A	N/A	50%	N/A	N/A	

Footnotes for Table 6-1:

(1) See EMC 19.06.070 and 19.06.080 for exceptions to minimum lot requirements.

- (2) This standard applies to lots used for single-family detached dwellings. See EMC 19.08.030 for additional lot requirements applicable to other housing types. Not more than one single-family detached dwelling may be permitted unless meeting the minimum lot area required in the R-S, R-1 and R-2 zones unless otherwise allowed by this title.
- (3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.

<u>Section 2.</u> Section 5, Exhibit F of Ordinance 3774-20 (codified as EMC 19.06.020(A), Table 6-2) is amended as follows, with underlined text added:

19.06.020 Building setbacks/building placement standards.

A. Minimum Building Setbacks for Principal Structures. The standards set forth in Table 6-2 below apply to all new development. Also refer to Chapter 19.22 EMC, Building and Structure Heights.

Table 6-2: Minimum Building Setbacks for Principal Structures

ZONE	R- S	R- 1	R- 2	R- 2(A)	UR3	UR4	NB	В	MU	LI1	LI2	НІ	AG
Minimum Setback:													
Front	20'	20'	20'	20'	20'	10'	None	None	None	None	20'	None	25'
Rear (with alley)	20'	20'	20'	20'	20'	None	None	None	None	None	None ⁽¹⁾	10'(1)	25'
Rear (no alley)	20'	20'	20'	20'	20'	10'(3)	10'	None ⁽²⁾	None ⁽²⁾	None ⁽²⁾	15' ⁽¹⁾	10'(1)	
Side, Street	10'	10'	10'	10'	10'	10'	10'		None	None	20'	None	10'
Side, Interior	5'	5'	5'	5'	5'	5' ⁽⁴⁾	5'	(2)	None	None	15' ⁽¹⁾	None ⁽¹⁾	10'

Footnotes:

⁽¹⁾ Twenty-five feet when abutting lots located in residential zones.

<u>Section 3</u>. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references and ordinance numbering.

<u>Section 4</u>. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

<u>Section 5</u>. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Cassie Franklin, Mayor

ATTEST:

Sharon Fuller, City Clerk

PASSED: 12.8.21

VALID: 12.9.21

PUBLISHED: 12 · 13 · 21

EFFECTIVE DATE: 12.24.21

⁽²⁾ Ten feet when abutting lots located in residential zones.

⁽³⁾ Twenty feet when abutting lots located in the R-S, R-1 and R-2 zones.

⁽⁴⁾ No side, interior setback is required within Metro Everett.



CITY OF EVERETT

Planning Staff Report

TO:

Everett City Council

FROM:

Rebecca A. McCrary November 5, 2021

DATE: SUBJECT:

Rethink Zoning Refinements Project A – Everett Municipal Code (EMC) 19.06 Lots, Setbacks and

Residential Densities

OVERVIEW

The Rethink Zoning project was a complete rewrite of the city's development regulations adopted in November 2020. Since last year, staff has been reviewing, working with, and applying these updated regulations to project applications, and has compiled a list of refinements that would clarify ambiguous provisions or correct an unintended outcome of a new or modified code provision. The first set of amendments for consideration address **Chapter 19.06 EMC Lots, Setbacks and Residential Densities**.

PROCESS

This Unified Development Code amendment was process in accordance with Section 15.02.090 EMC as a legislative process.

- A SEPA Determination of Non-Significance and public hearing notice were issued on October 18, 2021; and
- The State Department of Commerce was notified of the amendment proposal on October 14, 201'; and
- The Planning Commission held a public hearing on November 2, 2021; and
- The Planning Commission approved Resolution 21-07 recommending approval of the proposal on November 2, 2021.

PROPOSAL

1. EMC 19.06.010 Minimum lot area, width, depth, frontage

The first proposed amendment modifies footnote (3) in Table 6-1 to provide a cross-reference to EMC 19.08.020, which establishes special regulations for single family developments on lots smaller than 5,000 square feet. Staff have noticed applicants missing this connection.

Table 6-1 Minimum Lot Area, Width, Depth, Frontage, Lot Coverage by Building

ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	В	MU	LI1	LI2	ні	AG
STANDARI	OS ⁽¹⁾ :												
Min. Lot Area	9,000 sf ⁽²⁾	6,000 sf ⁽²⁾	5,000 sf ⁽²⁾⁽³⁾	5,000 sf ⁽²⁾	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	2.5 acres	1 acre	5 acres

⁽³⁾ In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.

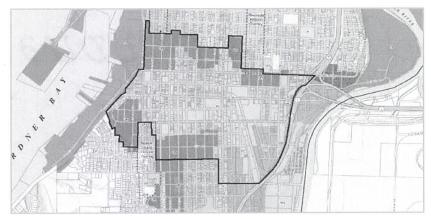
2. EMC 19.06.020 Building setbacks/building placement standards

The second proposed amendment restores a zero interior side setback ("the required minimum distance between the side lot line which does not abut a street and any structure, building or use") for residential development within Metro Everett. That setback had been increased, perhaps inadvertently, to five feet through Rethink Zoning.

The goals for the Rethink Zoning project included simplification of zones, regulations, and procedures to streamline the process for development applicants. One of the simplification measures consolidated multifamily zones, resulting in adjustments to some of the bulk regulations for zones citywide including Metro Everett. Metro Everett is intended to be a dense, compact, efficient land use area unique to other areas of the city. The new 5' setback requirement would require some residential projects to be redesigned in a way that may not fully advance the goals and policies of the comprehensive plan and the Metro Everett plan. This amendment proposal will restore



the previous 0 side, interior setback provision of the specific regulations in the UR4 zones for residential development consistent with the Metro Everett Subarea Plan.



UR4 zones (brown) within Metro Everett (black outline)

A. Minimum building setbacks for principal structures.

The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height.

Table 6-2: Minimum Building Setbacks for Principal Structures

ZONE			R-2			UR4	NB	В	MU	LI1	LI2	н	AG
Minimum Setback:													
Side, Interior	5′	5'	5′	5'	5′	5′ ⁽⁴⁾	5′	None ⁽²⁾	None	None	15' ⁽¹⁾	None (1)	10′

Footnotes:

CODE AMENDMENT CRITERIA

Criteria and considerations for proposed amendments to the comprehensive plan and development regulations (unified development code) are addressed in EMC 15.03.300(C)(4).

Is the proposed amendment consistent with applicable provisions of the comprehensive plan?

These minor adjustments to the development amendments are consistent with several goals and policies of the comprehensive plan and the Metro Everett Subarea Plan by promoting opportunities for efficient use of land and compact development in appropriate high-density areas of the city. Goals and policies also address streamlining permit process where possible.



^{(1) 25} feet when abutting lots located in residential zones.

^{(2) 10} feet when abutting lots located in residential zones.

^{(3) 20} feet when abutting lots located in the R-S, R-1 and R-2 zones.

⁽⁴⁾ No interior side setback is required within Metro Everett

Does the proposed amendment bear a substantial relation to public health, safety or welfare?

The proposed amendments are minor in nature and help further goals and policies relative to efficient use of land and compact development which has a direct relationship to public health, safety and welfare.

Does the proposed amendment promote the best long-term interests of the Everett community?

The proposed minor amendments add flexibility in the regulations that support expected development in the city and is in the long-term interests of the Everett community.

ATTACHMENTS

Comment letter dated October 20, 2021 - Rockefeller Square Team Joe and Shawna Zlab, Jeremy Morgan

Comment email dated November 2, 2021 – Ismael Mohammad



Statement in Favor of <u>Keeping the Ground Floor Side Yard Zero Setback</u> per the Metro Everett Code

Rockefeller Square Phases 1, 2, & 3 (2607 thru 2623 Rockefeller Ave.)



Current State of Rockefeller Square

Phase 1 – 10/20/21



Location of Phase 2 and 3 if request approved

Request:

We **SUPPORT** the Everett Planning Staff Report that recommends reinstating the ground floor zero setbacks at interior side yards for these reasons:

- From communication with Everett Planning, believe this change was not made intentionally. We believe the city's intent is to still promote density in this area of downtown Everett.
- Our development team has plans to build three 30-unit buildings on the block. These buildings
 are eligible for the affordable housing requirements of the MFTE program. We support the
 city's goal to promote the construction of affordable and market rate housing in downtown
 Everett. These buildings are a good mixture of market rate and affordable housing.
- IMPORTANT. If this zero-setback allowance is not reinstated, the third building will not fit. Planning for the three phases was done with the understanding that the current setback requirements were not expected to change. Five feet lost for three buildings amounts to 15 feet. This will kill the third building which is 74 feet wide.

Background:

In 2000, members of the development team purchased the first property in Everett on Rockefeller Avenue. In that same period, other properties on the block became available and we purchased them to develop into better downtown housing. It took many years, but we finally received a development loan in 2020. To lessen the scale of the development, we split it into three phased projects. The design work for these phases was done in 2019 under the Metro Everett Code.

The Metro Everett Code had a provision in it for side yard ground floor zero setbacks. This provision was there to promote multi-family development density in the Metro Area. Our phased projects incorporated this provision along portions of the north property lines of each building. This provided articulation along the north side of the building and helped with internal circulation at the lobby and ADA lift.

The Rethink Zoning changes were passed just a few weeks before our team submitted Phase 2 plans for permit. We were given notice of the reorganization of the code coming but were not told there were to be substantial changes to setbacks and landscape requirements. Our reading of the available city documents and conversations with the city staff led us and our consultant team to believe that the changes were a mere reorganization. We were not made aware that certain setback and landscape provisions had changed until permit response letters came to us some months later.

Thank you,

Rockefeller Square Team

Joe and Shawna Zlab

Jeremy Morgan



5205 S. 2nd Ave. Suite C Everett, WA 98203

From: To:

Ismail Mohammad Becky Ableman McCrary Yorik Stevens-Wajda

Cc: Subject:

[EXTERNAL] Change of Setback for UR4

Date:

Tuesday, November 2, 2021 4:59:42 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Becky,

I would like to submit my comments and appreciation for taking this and several other code amendments which were unintended outcome of Rethink zoning. We have 5 properties in Metro Everett affected by the new setback requirements. This amendment will help us in developing these properties with maximum density.

The properties affected are:

2809 California Street

3308 Rockefeller Ave

3310 Rockefeller Ave

3314 Rockefeller Ave

3326 Rockefeller Ave

I am in total support of this revision.

Thanks



Planning Commission Resolution No. 21-07

A Resolution Recommending that the City Council adopt Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities

WHEREAS, the Planning Commission finds the following:

- 1. The Rethink Zoning project was completed, and the City Council adopted new development regulations as a Unified Development Code, by Ordinance No. 3774-20 on November 4, 2020; and
- 2. The new Unified Development Code consolidated zones and reorganized provisions in an effort to simplify and streamline the city's development regulations; and
- After applying the code to projects over the past several months, refinements have been identified to clarify or correct an unintended outcome of a number of new or modified code provisions; and
- 4. The proposed amendments in EMC Chapter 19.06 as shown in Exhibit A-1 have been determined to be necessary and are minor in nature; and
- 5. The Planning Commission has conducted a public hearing and has considered the recommendations by staff concerning the Rethink Zoning Code Refinements Code Amendments Project A Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities
- 6. The proposed amendments are consistent with the applicable provisions of the City of Everett Comprehensive Plan; and
- 7. The proposed amendments bear a substantial relation to public health, safety and welfare; and
- 8. The proposed amendments promote the best long-term interests of the Everett community.

NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING:

1. The Planning Commission recommends that the City Council approve Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities, attached hereto as Exhibit A-1.



Olf your
Planning Commission Chair
Planning Commission Secretary
Dated: November 2, 2021
For: Commissioner Adkins, Commissioner Finch, Commissioner McGinn, Commissione Lavra, Commissioner Holland, and Chair Yanasak
Against:
Absent:
Abstain:

EXHIBIT A-1

CHAPTER 19.06 LOTS, SETBACKS AND RESIDENTIAL DENSITIES

Topic	Proposed A	mer	dme	nts)+									
19.06.010 Minimum lot area, width, depth, frontage Table 6-1 Footnote ³	(3) In the R- four thousa	ZONE: R2 Min. Lot Area: 5,000 sf ⁽²⁾⁽³⁾ (3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.												
19.06.020(A) Table 6-2 Building	A. Minimum building setbacks for principal structures. The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height. Table 6-2: Minimum Building Setbacks for Principal Structures													
Setbacks/Building Placement Standards	ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	В	ми	LI1	LI2	н	AG
	Minimum Setback:													
	Front	20'	20'	20'	20'	20'	10'	None	None	None	None	20'	None	25'
	Rear (with alley)	20'	20'	20'	20'	20'	None	None	None	None	None	None ⁽¹⁾	10'(1)	25'
	Rear (no alley)	20'	20'	20'	20'	20'	10'(3)	10'	None ⁽²⁾	None ⁽²⁾	None ⁽²⁾	15' ⁽¹⁾	10'(1)	
	Side, Street	10'	10'	10'	10'	10'	10'	10'		None	None	20'	None	10'
	Side, Interior	5′	5′	5′	5′	5′	5′ ⁽⁴⁾	5′	None ⁽²⁾	None	None	15 ^{′(1)}	None (1)	10'
	Footnotes:				L									
	⁽¹⁾ 25 feet w	hen	abut	ting l	ots loca	ted i	n resi	denti	al zones	i.				
	⁽²⁾ 10 feet w	hen	abut	ting l	ots loca	ted i	n resi	denti	ial zones	S.				
	(3) 20 feet w										es.			
	(4) No side,	nter	ior se	etbac	k is requ	uired	with	in Me	etro Eve	<u>rett</u>				





Planning Commission Resolution No. 21-07

A Resolution Recommending that the City Council adopt Rethink Zoning Code Refinements Code
Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks
and Residential Densities

WHEREAS, the Planning Commission finds the following:

- The Rethink Zoning project was completed, and the City Council adopted new development regulations as a Unified Development Code, by Ordinance No. 3774-20 on November 4, 2020; and
- 2. The new Unified Development Code consolidated zones and reorganized provisions in an effort to simplify and streamline the city's development regulations; and
- After applying the code to projects over the past several months, refinements have been identified to clarify or correct an unintended outcome of a number of new or modified code provisions; and
- 4. The proposed amendments in EMC Chapter 19.06 as shown in Exhibit A-1 have been determined to be necessary and are minor in nature; and
- The Planning Commission has conducted a public hearing and has considered the recommendations by staff concerning the Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities
- 6. The proposed amendments are consistent with the applicable provisions of the City of Everett Comprehensive Plan; and
- 7. The proposed amendments bear a substantial relation to public health, safety and welfare; and
- 8. The proposed amendments promote the best long-term interests of the Everett community.

NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING:

 The Planning Commission recommends that the City Council approve Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities, attached hereto as Exhibit A-1.



Planning Commission Chair

Planning Commission Secretary

Dated: November 2, 2021

For: Commissioner Adkins, Commissioner Finch, Commissioner McGinn, Commissioner Lavra, Commissioner Holland, and Chair Yanasak

Against: Absent:

Abstain:

EXHIBIT A-1

CHAPTER 19.06 LOTS, SETBACKS AND RESIDENTIAL DENSITIES

Topic	Proposed A	ZONE: R2 Min. Lot Area: 5,000 sf ⁽²⁾⁽³⁾ (3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.													
19.06.010 Minimum lot area, width, depth, frontage Table 6-1 Footnote ³	Min. Lot Are (3) In the R- four thousa														
19.06.020(A) Table 6-2 Building	The standar 19.22, Build	A. Minimum building setbacks for principal structures. The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height. Table 6- 2: Minimum Building Setbacks for Principal Structures													
Setbacks/Building Placement Standards	ZONE		R-1	R-2	R-2(A)		UR4	NB	В	MU	LI1	LI2	н	AG	
	Minimum Setback:				Tours in a second	2000									
	Front	20'	201	20¹	20'	20'	10'	None	None	None	None	20'	None	25'	
	Rear (with alley)	20'	20'	20 ^r	20'	20'	None	None	None	None	None	None ⁽¹⁾	10'(1)	25'	
	Rear (no alley)	20'	20¹	20'	20'	20'	10'(3)	10'	None ⁽²⁾	None ⁽²⁾	None ⁽²⁾	15'(1)	10'(1)		
	Side, Street	10'	10'	10'	10'	10'	10'	10'		None	None	20'	None	10'	
	Side, Interior	5'	5′	5'	5′	5'	5'4	5'	None ⁽²⁾	None	None	15′ ⁽¹⁾	None (1)	10'	
	Footnotes:		1						1	4				abaneneeseed	
	⁽¹⁾ 25 feet w	hen	abut	ting I	ots loca	ted i	n resi	denti	al zones	<u>.</u>					
7	(2) 10 feet v			_											
	(3) 20 feet v			_							es.				
	(4) No side,	inte	rior s	etbac	k is req	uired	with	in Me	etro Eve	rett					

